



STATE OF MICHIGAN  
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DEPARTMENT OF STATE  
LANSING

**Driver Education Provider and Instructor Act**  
**Executive Summary – April 24, 2006**

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**Background**

Public Acts 70 and 71 of 2004 transferred the administration of Michigan's driver education program from the Department of Education to the Department of State. The acts also repeal the existing driver education legislation effective October 1, 2006. Prompted by the Secretary's desire to establish consistency among all driver education providers, develop innovative curriculum, and improve training and program oversight, the Driver Education Advisory Committee was created to review and evaluate Michigan's driver education program and recommend changes and improvements. The proposed Driver Education Provider and Instructor Act eliminates existing overlap in statutory requirements, creates a level playing field for Michigan's driver education program, achieves consistency in program objectives, strengthens and improves curriculum, and establishes appropriate requirements and qualifications for driver education providers and instructors.

**Highlights and Impacts of Legislative Revision**

Providers and Instructors

- All driver education providers and instructors are certified biennially (every two years). Previously, public schools obtained a lifetime approval, private providers teaching adults were licensed annually, and private providers teaching teens were licensed annually *and* approved.
  - Eliminates inconsistencies by creating a uniform certification with a two-year expiration date for public schools and private providers. The two-year period is consistent with the requirement that instructors submit medical statements every two years.
- All driver education instructors are certified individually, and are not required to obtain multiple certifications if employed by more than one provider.
  - Transfers the application responsibility from the providers to the instructors, and allows instructors to teach for multiple providers with a single certification.
- The Department will prescribe a model driver education instructor preparation program for use by approved colleges and universities. Current Driver Education Administrative Rules lack specificity on instructor preparation curriculum.
  - Provides validity and consistency for instructor training statewide, with a model curriculum based on nationally recognized standards.

- Except for instructors providing truck driver training, all new instructors are required to complete the driver education instructor preparation courses approved by the Department. Currently only instructors teaching teens are required to complete the instructor preparation coursework.
  - Ensures that novice drivers of all ages are taught by qualified instructors.
- The driver education instructor preparation program will include a practicum. *New requirement for instructors.*
  - Provides “hands-on” training opportunities for instructors.
- The Department will establish professional development criteria and requirements for instructors. *New requirement for all instructors.*
  - Maintains the quality of instruction by ensuring that instructors are exposed to the most up-to-date information and teaching methods.
  - All instructors, owners, designated representatives and coordinators are required to submit fingerprint-based criminal history checks every four years until an automated subscription service is available. An automated subscription service will eliminate periodic fingerprinting since all prints will be preserved and monitored for posted disqualifying events. . Currently, private providers are required to submit criminal background information every two years, private instructors every five years. Public school instructors must complete a single background check by July 1, 2008, and self-report subsequent convictions.
  - Eliminates inconsistencies in background check requirements
  - Creates a safer learning environment for students by reducing the likelihood for convicted felons to be associated with driver education programs.
- As part of the biennial certification process, all instructors are required to submit favorable medical examination reports in order to maintain certification. Presently required for private instructors only. This is a new requirement for public school instructors.
  - Creates a safer learning environment for students by ensuring instructors are medically fit to provide instruction and operate a motor vehicle.
- With the addition of professional development requirements and an enhanced teacher preparation program, public school driver education instructors will no longer be required to possess teaching certificates.
  - Permits qualified instructors to teach in public school programs without the need for a Michigan teaching certificate.

#### Curriculum

- The Department will prescribe a model curriculum for teen driver education Segment 1 and Segment 2. There is no prescribed curriculum for Segment 1 and the Segment 2 curriculum is in need of reevaluation.
  - Facilitates more uniform instruction throughout the state and ensures consistency with national standards.

- The combined segments include a minimum of 30 hours of classroom instruction and 7 hours of behind-the-wheel instruction. Current requirements are 30 hours of classroom instruction and 6 hours of behind-the-wheel, all in Segment 1.
  - Provides an additional hour of behind-the-wheel instruction and assessment in Segment 2.
  - Provides the parent and teen with a final evaluation of driving skills, as well as, recommendations for further skill development to adequately prepare the teen for independent driving.
- During Segment 1, behind-the-wheel driving requirements may include a maximum of 2 hours of instruction on a multi-vehicle driving facility (range). Current rules allow range instruction to replace up to three hours of behind-the-wheel instruction.
  - Provides more individualized instruction for the student.
- The Department will certify multi-vehicle driving facilities (ranges) separately from providers and establish minimum requirements for certification.
  - Provides for more uniformity in range instruction by ensuring compliance with minimum requirements.
- Students will be required to pass a Department prescribed knowledge test for Segment 1 *and* Segment 2 before receiving a course certificate of completion. Currently, a knowledge test only exists for Segment 1. The draft legislation requires a Segment 2 test be created and administered. The test content is being updated to expand the test question pool and include more current information. Additionally, we are exploring the feasibility of providing the test in an electronic format for enhanced test administration capabilities.
  - Enhances test validity and security by allowing administration of multiple versions of the test.
  - Measures student comprehension of the curriculum competencies necessary for safe driving.

### Sanctions

The proposed legislation streamlines the Department's process for ensuring that all providers and instructors meet acceptable standards for character and reputation, while strengthening the integrity of the driver education program. The new process for addressing criminal and driving record offenses eliminates unnecessary steps that previously inhibited administrative efficiencies.

- A conviction for a specified criminal offense (i.e. criminal sexual conduct and felony fraud) will now result in an automatic denial or revocation of a certification. Previously, a denial or revocation required a time and labor-intensive administrative process (compliance conference and administrative hearing) for instructors, providers, and the Department.
- A conviction for any violation resulting in 4 or more points on a person's driving record, will result in an automatic denial or revocation of a certification. Current legislation excludes convictions for 4-point speeding violations.
  - Expands the criteria for denial or revocation.
- Convictions for specified multiple driving offenses (i.e. three 2-point speeding violations), resulting in an accumulation of 6 or more points on a person's driving record, will result in automatic denial or revocation of a certification.

- Creates consistency in driving record criteria for all instructors. Currently, Driver Education Administrative Rules provide for sanctions when 7 or more points are assessed on a person's driving record in a two-year period. In contrast, Driver Training School Administrative Rules provide for sanctions with an accumulation of 12 or more points on a person's driving record.
- A person convicted of a violation of this Act is subject to an administrative fine not to exceed \$1,000.00 per violation. Current law does not allow the Department to impose a fine.
  - Encourages compliance with the Act.